



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,275	08/09/2000	James S. Hiscock	SYNER-162XX	4949
207	7590	01/26/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			DINH, KHANH Q	
			ART UNIT	PAPER NUMBER
			2151	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/635,275	Applicant(s) HISCOCK ET AL.	
	Examiner Khanh Dinh	Art Unit 2151	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2151

DETAILED ACTION

1. This is in response to the Amendment and Remarks filed on 11/14/2005. Claims 21-31 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Vannucci, USPN 5,459,727.

As to claim 1, Vannucci discloses a data interface, comprising:

an enclosure having at least one jack (using Privet Branch Exchange PBX with jacks), the enclosure being configured for mounting within a wall cavity such that, after the enclosure is mounted within the wall cavity, the at least one jack is accessible from outside the wall (see fig.1, col.3 lines 12-49);

a user-side communication interface within the enclosure for connection to a personal data device over at least one wired communication connection via the at least one jack and for connection to the personal data device over at least one wireless communication connection (see col.4 lines 24-61 and col.5 lines 1-9),

Art Unit: 2151

an infrastructure-side communication interface within the enclosure for connection to a plurality of computer resources (radio stations), the infrastructure-side communication interface being communicably coupled to the user-side communication interface, such that the personal data device can communicate through the user-side communication interface and the infrastructure-side communication interface to at least one of the plurality of computer resources (see fig.2, col.5 lines 10-61); and

a data interface management processor within the enclosure and coupled to the user-side communication interface and the infrastructure-side communication interface and operative to provide information to the personal data device about at least one of the wired and wireless communication connections between the personal data device (portable user device) and the user-side communication interface (see *col.5 lines 1- 9 and col.6 line 59 to col.7 line 56*).

As to claim 22, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and wireless communication connections comprises status information about the wired communication connection and the wireless communication connection between the personal communication device and the user-side communication interface (see col.7 line 57 to col.8 line 55).

As to claim 23, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and wireless communication connections comprises at least one suggested corrective action that can be taken by a user of the

Art Unit: 2151

personal data device to correct a problem detected by the data interface management processor in at least one of the wired and wireless communication connections (checking for errors in transferring data communication, see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 24, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and, wireless communication connections comprises information about at least one error in at least one of the wired and wireless communication connections (checking for errors in transferring data communication, see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 25, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and wireless communication connections comprises information about at least one corrective action that has been taken to correct a problem in at least one of the wired and wireless communication connections (automatically switching over to a different station with a better path, see col.9 lines 5-57 and col.10 lines 8-44).

As to claim 26, Vannucci discloses the data interface of claim 21, wherein the data interface management processor is further operative to provide information to the personal data device about a communication connection between the infrastructure-side

Art Unit: 2151

communication interface and at least one of the plurality of computer resources (see col.8 lines 6-55 and col.10 lines 8-57).

As to claim 27, Vannucci discloses the data interface of claim 26, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises status information about the communication connection between the infrastructure-side communication interface and the at least one computer resource (see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 28, Vannucci discloses the data interface of claim 26, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises information about at least one error in the communication connection between the infrastructure-side communication interface and the at least one computer resource (see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 29, Vannucci discloses the data interface of claim 27, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises information about at least one corrective action that has been taken to correct a problem in the communication connection between the infrastructure-side communication interface and

Art Unit: 2151

the at least one computer resource (automatically switching over to a different station with a better path, see col.9 lines 5-57 and col.10 lines 8-44).

As to claim 30, Vannucci discloses the data interface of claim 27, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises an estimated time by which an error in the communication connection between the infrastructure-side communication interface and the at least one computer resource will be corrected (automatically switching over to a different station with a better path, see col.9 lines 5-57 and col.10 lines 8-44).

As to claim 31, Vannucci discloses the data interface of claim 21, wherein the data interface management processor is further operative to provide information to the personal data device about services available from the plurality of computer resources (see col.8 lines 6-55 and col.10 lines 8-57).

Response to Arguments

4. Applicant's arguments filed on 11/14/2005 have been fully considered but they are not persuasive.

- Applicant asserts that the Vannucci's portable telephones are not the same as Applicant claimed invention "personal data devices".

Art Unit: 2151

Examiner respectfully disagrees. Vannucci discloses portable telephones (40, 42, 44 fig.1) function as "personal data devices" for providing communications via radio to the fixed radio stations (30-37 fig.1). Therefore, portable telephones are the same as "personal data devices".

- Applicant asserts that the Vannucci does not disclose a user-side communication interface within the enclosure for connection to a personal data device over at least one wired communication connection via the at least one jack and for connection to the personal data device over at least one wireless communication connection.

Examiner respectfully point out that Vannucci discloses a user-side communication interface within the enclosure for connection to a personal data device (40, 42, 44 fig.1) over at least one wired communication connection (connecting to via a copper wires connection to the switching center) the at least one jack and for connection to the personal data device over at least one wireless communication connection (using a wireless communication system such as PBX) (see col.4 lines 24-61 and col.5 lines 1-9) as rejected above.

- Applicant asserts that the Vannucci does not disclose "computer resources" as including an application program such as a browser as in the three paragraphs starting on page 4 line 5 of the Specification of the Application.

Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution (see In re Prater, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)).

- Applicant asserts that the Vannucci does not disclose a data interface management processor within the enclosure and coupled to the user-side communication interface and the infrastructure-side communication interface and operative to provide information to the personal data device about at least one of the wired and wireless communication connections between the personal data device and the user-side communication interface.

Examiner respectfully point out that Vannucci discloses a data interface management processor within the enclosure and coupled to the user-side communication interface and the infrastructure-side communication interface and operative to provide information to the personal data device about at least one of the wired and wireless communication connections between the personal data device (portable user devices 40, 42, 44 fig.3) and the user-side communication interface (connecting to via a copper wires connection to the switching center and using a

Art Unit: 2151

wireless communication system such as PBX, see col.5 lines 1-9 and col.6 line 59 to col.7 line 56).

As a result, cited prior art does disclose a data interface, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

6. Claims 21-31 are rejected.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

Art Unit: 2151

3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Khanh Dinh
Primary Examiner
Art Unit 2151
1/19/2006